

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #4	CCRB Case #: 201810590	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 12/20/2018 9:11 PM	Location of Incident: Broadway and Quincy Street	Precinct: 81	18 Mo. SOL 6/20/2020	EO SOL 2/4/2021	
Date/Time CV Reported Thu, 12/20/2018 9:15 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 12/20/2018 9:15 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Billy Gomez	01518	949041	SRG 3

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Henry Yanez	17147	935999	SRG 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Billy Gomez	Abuse: Police Officer Billy Gomez questioned § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Billy Gomez	Abuse: Police Officer Billy Gomez failed to provide § 87(2)(b) [REDACTED] with a business card.	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]

Case Summary

On December 20, 2018, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On December 20, 2018, at approximately 9:11 p.m., § 87(2)(b) was sitting in his car parked at Broadway and Quincy Street in Brooklyn. Police Officer Billy Gomez and Police Officer Henry Yanez, from Strategic Response Group 3, approached § 87(2)(b)'s car. PO Gomez asked § 87(2)(b) if he was “blazing,” (**Allegation A: Abuse of Authority,** § 87(2)(g) § 87(2)(b) denied smoking marijuana. PO Gomez and PO Yanez then left. PO Gomez did not provide § 87(2)(b) with his business card (**Allegation B: Abuse of Authority,** § 87(2)(g) § 87(2)(g), § 87(2)(b)).

§ 87(2)(b) was neither summonsed nor arrested as a result of this incident.

There is no video evidence related to this case.

Findings and Recommendations

Allegation A: Abuse of Authority- Police Officer Billy Gomez questioned § 87(2)(b)

It is undisputed that PO Gomez questioned § 87(2)(b) about marijuana.

§ 87(2)(b) stated that he and his friend, § 87(2)(b) were sitting in § 87(2)(b)'s car, which was parked on Broadway and Quincy Street. They sat in the car for approximately a minute and discussed what they were going to eat from a bodega on the corner. A marked SUV parked directly in front of them, and PO Gomez and PO Yanez exited and walked into a smoke shop located a few doors down from the bodega. § 87(2)(b) exited § 87(2)(b)'s car and entered the bodega. § 87(2)(b) remained in the car with his windows rolled up. Approximately two to five minutes later, the officers exited the store. PO Gomez walked towards § 87(2)(b)'s car, drew his flashlight, and shined it in to his car. PO Yanez stood to the side of PO Gomez. § 87(2)(b) rolled down his passenger's side window to see what the officer wanted. PO Gomez asked, "Are you waiting for someone?" § 87(2)(b) replied that he was waiting for a friend, who was inside the store getting sandwiches. PO Gomez said, "I've been doing this job for ten years, I know you're blazing." § 87(2)(b) asked PO Gomez what he was talking about. PO Gomez said, "You're smoking, right?" § 87(2)(b) responded that he was not and said that he is an electrician for Amtrak who is regularly drug-tested, and thus cannot smoke marijuana. PO Gomez told § 87(2)(b) "Get out of here." PO Gomez and PO Yanez returned to the marked SUV and left. § 87(2)(b) rejoined § 87(2)(b) a minute or two after the officers left. § 87(2)(b) denied smoking marijuana, having marijuana in his car, or that anyone had ever smoked marijuana in his car. § 87(2)(b) denied partaking in any other activity that might have been confused for the consumption of marijuana (Board Review 01).

PO Gomez stated that he and PO Yanez exited a restaurant at Broadway and Quincy Street, where they had been getting food. PO Gomez did not recall if he was on meal at the time. The officers were inside for approximately five minutes. When they came out, PO Gomez observed § 87(2)(b)'s car parked in a bus stop on Broadway. PO Gomez approached the driver's side of the car. PO Gomez did not recall if the car's windows were down or if he asked § 87(2)(b) to lower the windows. PO Gomez did not recall if he noticed the car when he first arrived at the

PO Yanez also stated that § 87(2)(b) did not request a business card and that PO Gomez did not provide one to § 87(2)(b) **(Board Review 03).**

An officer should offer a Right to Know business card upon conclusion of law enforcement activities, including level 2 encounters, except in cases when a summons is issued or an arrest is made. Officers are to provide business cards, as appropriate, at the request of members of the public. The exceptions to providing a business card include issues of safety protecting undercover officers' identities, and impeding a criminal investigation. NYPD Patrol Guide 203-09 **(Board Review 05)**

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED].

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to nine CCRB complaints and has been named a victim in 27 allegations **(Board Review 08):**
 - § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Gomez has been a member of service for eight years and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- On January 22, 2019, this case was sent to mediation and on March 31, 2019 the case was returned to investigation as the complaint was no longer eligible for mediation.
- On April 30, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**Board Review 09**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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